

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YOLANDA FAUBEL,

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES,
LLC,

Defendant.

Case No. 1:25-cv-00313-KES-EPG

ORDER RE: PLAINTIFF’S NOTICE OF
VOLUNTARY DISMISSAL

(ECF No. 20).

On September 18, 2025, Plaintiff filed a notice of voluntary dismissal stating as follows:

PLEASE TAKE NOTICE that Plaintiff Yolanda Faubel (“Plaintiff”) hereby voluntarily dismisses the above-caption action, in its entirety, with prejudice as to Plaintiff’s individual claims and without prejudice as to the putative class claims, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

Defendant Portfolio Recovery Associates, LLC (“Defendant”), has not filed an answer to Plaintiff’s Complaint in this matter (Case No.: 1:25-cv-00313-KES-EPG), nor has Defendant filed a motion for summary judgment.

(ECF No. 20, p. 1).

Federal Rule of Civil Procedure 41(a)(1)(A)(i)-(ii) provides that a “plaintiff may dismiss an action without a court order by filing[] a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or a stipulation of dismissal signed by all parties who have appeared.”

1 Contrary to what Plaintiff says, Defendant has filed an answer in this case. (ECF No. 8,
2 titled, “Defendant Portfolio Recovery Associates LLC’s Answer and Affirmative Defenses to
3 Plaintiff’s Complaint”) (capitalization omitted). Because Defendant has filed an answer, a notice
4 of voluntary dismissal under Rule 41(a)(1)(A)(i) is insufficient to dismiss this action.

5 Accordingly, IT IS ORDERED as follows:

- 6 1. By no later than September 26, 2025, Defendant shall file a document either agreeing
7 to or opposing a voluntary dismissal in this case.
- 8 2. Alternatively, by this same date, the parties shall file a stipulation of dismissal signed
9 by all parties who have appeared under Rule 41(a)(1)(A)(ii).

10 IT IS SO ORDERED.

11 Dated: September 19, 2025

12 /s/ Eric P. Gray
13 UNITED STATES MAGISTRATE JUDGE
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